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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,684	01/16/2002	Deborah H. Miller	WMA99011D1	4722

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MCI, INC  
TECHNOLOGY LAW DEPARTMENT  
1133 19TH STREET NW, 10TH FLOOR  
WASHINGTON, DC 20036

EXAMINER

ESCALANTE, OVIDIO

ART UNIT PAPER NUMBER

2645

DATE MAILED: 06/16/2004

29

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/047,684

**Applicant(s)**

MILLER ET AL.

**Examiner**

Ovidio Escalante

**Art Unit**

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-21 and 55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-21 and 55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on April 12, 2004. **Claims 1-21 and 55** are now pending in the present application.

#### *Continued Examination Under 37 CFR 1.114*

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 April 2004 has been entered.

#### *Claim Rejections - 35 USC § 103*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1,3-7,8,11,13-15,17,18,21 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tessler et al. US Patent 6,289,090 in view of Toy et al. US Patent 6,192,115.

*Regarding claims 1,11 and 21*, Tessler teaches a method and apparatus to verify a dialed number and a machine-readable medium whose contents cause a computer system to verify a dialed number (col. 2, lines 49-57) comprising:

receiving a request from a calling party to send a first call station a number sent from said first call station and associated with a second call station, (the verification module "the processor within the SSP" verifies the calling party's services and receives the calling party's request for AIN services; col. 1, lines 50-53; col. 3, lines 45-52; the calling party requests the service by invoking an AIN trigger); and

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sending said number to the calling party in accordance with said request, (col. 2, lines 49-57).

While Tessler teaches of initiating the service using AIN triggers and wherein the AIN triggers can be any trigger that can be initiated anytime during the call process, Tessler does not specifically teach of the request being initiated in response to the calling party selecting one or more keys during an establishment of a call and terminating the establishment of the call between the first call station and the second call station in response to receiving the request.

In the same field of endeavor, Toy teaches of a method for transmitting called party information to a calling party upon a request of the calling party, (fig. 2; col. 4, lines 1-16,55-67). Toy further teaches that a calling party requests the information by dialing a prefix, (col. 4, lines 55-67). Toy states that before call completion, the caller can enter the prefix to request the initial information and extended information about the called party, (col. 4, lines 55-67). Toy also teaches that it was well known in the art to terminate the establishment of the call between the first call station and the second call station in response to receiving the request, col. 4, lines 18-31; fig. 2; As shown in at least figure 2 in steps 201 and 203 the establishment of the call to the called party is initiated. If the user does not make any request the call is completed normally (i.e. the call completion process is not terminated (ended)). If the user makes a request ("YES" for step 203) then call completion to the called station is terminated until step 215 in which the user requests to be reconnected to the call completion process for completing the call in step 217).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tessler by allowing a key to be pressed during the call establishment as taught by Toy so that so that the calling party can determine whether they

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want to receive called party information on a call-to-call basis and it would have been obvious to terminate the call so that the user has the opportunity to receive called party information and can verify that they have dialed the correct number before call completion is re-started.

***Regarding claims 3 and 13***, Tessler teaches sending a reconnect request to said first call station after said number is sent, (col. 4, lines 11-20; after the caller receives the number, the system sends a reconnect/confirmation request to the caller);

receiving a response to said reconnect request, (col. 4, lines 12-13; the call sends a confirmation signal); and

sending a second call request to connect said first call station with said second call station, (col. 4, lines 11-20; the call is connected to the second call station after the caller agrees that the connection should be established).

***Regarding claims 4 and 14***, Tessler teaches wherein said second call request utilizes said number, (col. 4, lines 10-13; the same number that was originally dialed is used).

***Regarding claims 5 and 15***, while Tessler teaches of allowing a user to reject or accept a call after receiving the called station number, Tessler does not specifically state of using another number, however one skilled in the art would have known that the system of Tessler is capable of utilizing a second number since a user will typically redial a second number if the system sends a number that was incorrectly dialed, (col. 4, lines 11-20).

Therefore, one skilled in the art would have modified the system of Tessler by utilizing a second number which is different from the first number so that the calling party can be able to connect to the correct called station if the calling party mistakenly entered the first number incorrectly.

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*Regarding claims 7,8,17 and 18*, Tessler teaches wherein said first call station is associated with a display device, and said sending comprises sending said number to said display device and wherein the display device is a caller identification display device, (col. 3, lines 10-24).

*Regarding claim 55*, Tessler teaches a method to verify a dialed number (abstract), comprising:

receiving a call connection request from a calling party to a called party, (col. 1, lines 50-53);

receiving a request from the calling party to send a number associated with the called party to the calling party while the call is being connected, (col. 3, lines 45-52; the request can occur at different steps of the call model);

terminating the call connection, (col. 4, lines 13-20); and

sending the number to the calling party based on the request, (col. 2, lines 49-57).

While Tessler teaches of initiating the service using AIN trigger and wherein the AIN triggers can be any trigger that can be initiated during the call process, Tessler does not specifically teach of the request being initiated in response to the calling party selecting one or more keys during an establishment of a call.

In the same field of endeavor, Toy teaches of a method for transmitting called party information to a calling party upon a request of the calling party, (fig. 2; col. 4, lines 1-16,55-67). Toy further teaches that a calling party requests the information by dialing a prefix, (col. 4, lines 55-67). Toy teaches that before call completion the caller can enter the prefix to request the initial information and extended information about the called party, (col. 4, lines 55-67).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tessler by allowing a key to be pressed during the call establishment as taught by Toy so that so that the calling party can determine whether they want to receive called party information on a call-to-call basis.

5. Claims 6,9,10,16,19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tessler in view of Toy and further in view of Baral et al. US Patent 4,932,042.

***Regarding claims 6 and 16***, while Tessler and Toy teaches of sending the calling party audio information (col. 9, lines 59-62, Tessler; col. 4, lines 59-67, Toy), Tessler and Toy do not specifically teach of sending the calling party the called number in audio format.

In the same field of endeavor, Baral teaches that it was well known in the art to converting a number to audio form for dialed number verification and sending said number to said first call station in audio form, (figs. 1 ref. 22; fig. 2 ref. 125; col. 3, lines 56-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tessler and Toy by converting the called number to audio form as taught by Baral so that the calling party can audibly hear the number and will not have to look for the display. This will allow the user to operate the handset without reading any information that it provided to the user.

***Regarding claims 9,10,19 and 20***, while Tessler and Toy teaches of a generating billing data, Tessler and do not specifically teach of sending an indicia of said calling party's request to the billing system.

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In the same field of endeavor, Baral teaches of sending indicia of said request to a billing system and recording said request by said billing system, (col. 6, lines 58-61); and billing said request to the calling party, (col. 6, lines 41-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tessler and Toy by sending indicia of said request to the billing system as taught by Baral so that the billing service will be able to determine whether or not the number verification has been used so that the calling party can be correctly billed for using the service.

#### ***Response to Arguments***

6. Applicant's arguments filed April 12, 2004 have been fully considered but they are not persuasive.

***Regarding claims 1, 11 and 21***, Applicants submit that Tessler et al. and Toy et al. do not teach or suggest terminating the establishment of the call between the first call station and the second call station in response to receiving the request.

Specifically, Applicant states that Toy et al. discloses at col. 5, lines 1-8, that the decision to terminate a call between a calling party and a called party is made after the requested called party information is provided to the called party. The Examiner respectfully disagrees.

The Examiner believes that the current claim language does not claim that the "sending" step occurs after or in response to the termination of the establishment of the call. While the Applicant has listed the sending step after the termination step, the Examiner believes that the limitations in the claim do not have to be read sequentially since each step does not depend upon another. Furthermore, the Examiner believes, at least, the Toy Patent reads on the claims as it is



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currently claimed. As shown above in the office action, the "establishment of the call" to the called party is ended or stopped so that the called party information can be sent to the calling party. As shown in figure 2, call completion would have normally occurred at step 205 but that specific establishment was terminated when the user requested called party information as shown by the YES response from reference box 203. Therefore, the Examiner believes that Toy clearly teaches that the call completion process between the calling station and the called station is terminated when the user makes a request and that the called party information is sent after the termination of the first call completion process and the Examiner further believes that it would have been obvious for one of ordinary skill in the art to use the teachings of Toy into Tessler for the reasons set forth in the rejection of the claims.

*Regarding claim 55*, Applicants have argued that claim 55 recites similar features with respect to claim 1. Since the newly added limitation is not reflected in claim 55 and since the Examiner believes that claim 55 does not recite the limitation "terminating the establishment of the call between the first call station and the second call station in response to receiving the request" as argued by Applicant's then the rejection is maintained.

***Conclusion***

7. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

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(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262. The  
examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Fan S Tsang can be reached on 703-305-4895. The fax phone number for the  
organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent  
Application Information Retrieval (PAIR) system. Status information for published applications  
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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ovidio Escalante  
Examiner  
Group 2645  
June 7, 2004

*Ovidio Escalante*  
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**PATENT EXAMINER**